

October 22, 2003

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby
Washington, DC 20554

Re: **Ex Parte Notification**
CS Docket No. 98-120
MB Docket No. 02-230

Dear Ms. Dortch:

On Tuesday, October 21, 2003, Karen Kirsch and Valerie Schulte of NAB met with Johanna Mikes of Commissioner Adelstein's office to discuss the statutory interpretation of the "primary video" language in the must carry statute as it relates to carriage of broadcast DTV signals. Our presentation followed the discussion of these issues in NAB's Petition for Reconsideration in the above-referenced cable carriage docket. Constitutional issues concerning "primary video," as discussed in NAB's August 5, 2002 ex parte communication containing the constitutional analysis by Jenner & Block, were also covered. Also mentioned in the meeting was the importance of the broadcast flag to protect unauthorized re-distribution of digital broadcast content over the Internet, as well as the importance of including within this protection local broadcasters' news and public affairs programs.

Sincerely yours,



Valerie Schulte

cc: Johanna Mikes